

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MARIA RODRIGUEZ, Petitioner,	P.M.	X	06 CV 3065 (ARR)
-against-			: <u>NOT FOR</u>
			: <u>ELECTRONIC OR PRINT</u>
			: <u>PUBLICATION</u>
			: <u>ORDER</u>
			: X

ROSS, United States District Judge:

Ms. Rodriguez, proceeding *pro se*, filed the instant petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 with the U.S. District Court for the Eastern District of New York on June 15, 2006. In this petition, Ms. Rodriguez challenges the Bureau of Prisons' interpretation of 18 U.S.C. § 3624(b), which she feels deprives her of credit toward service of her sentence ("good time") to which she is statutorily entitled.

Ms. Rodriguez was convicted and sentenced in the Eastern District of New York. See U.S. v. Rodriguez, E.D.N.Y. No. 03-CR-341 (CPS). However, she is presently confined at the Federal Detention Center in Philadelphia, Pennsylvania. See Petition, ¶3.1-3.2. Therefore, Ms. Rodriguez's petition must be transferred to the Middle District of Pennsylvania, the district in which Ms. Rodriguez is currently being held.

District courts may only grant habeas relief "within their respective jurisdictions." 28 U.S.C. 2241(a). Because Ms. Rodriguez's petition challenges the conditions and duration of her present physical confinement, rather than the validity of her conviction, her petition is a "core habeas petition." Rumsfeld v. Padilla, 542 U.S. 426, 435 (U.S. 2004). The Supreme Court has explained that, "for core habeas petitions challenging present physical confinement, jurisdiction

lies in only one district: the district of confinement. . ." and "the proper respondent is the warden of the facility where the prisoner is being held, not the Attorney General or some other remote supervisory official." *Id.* at 443, 435.

Since Ms. Rodriguez is currently being held at the Federal Detention Center in Philadelphia, Pennsylvania, her habeas petition challenging the conditions of her confinement must be brought in the Eastern District of Pennsylvania. Accordingly, her petition must be transferred to the U.S. District Court for the Eastern District of Pennsylvania. Additionally, Ms. Rodriguez is instructed to amend her petition to name the Warden of the Federal Detention Center in Philadelphia as the respondent.

The Clerk of the Court shall transfer this matter to the Eastern District of Pennsylvania and close this case.

SO ORDERED.

Allyne R. Ross

Allyne R. Ross
United States District Judge

Dated: June 21, 2006
Brooklyn, New York

Service List:

Petitioner:

Maria Rodriguez, pro se
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Federal Detention Center
P.O. Box 562
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